

**MEMO ENDORSED**

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<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>12/13/2023</u>

December 12, 2023

**Via ECF**

Honorable Katharine H. Parker  
United States Magistrate Judge

Re: *In re Terrorist Attacks on September 11, 2001*,  
MDL No. 03-MDL-1570 (GBD) (SN)  
Common Benefit Fund Dispute (Iran Claims)  
*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977

Your Honor:

I write in response to Your Honor's Order dated September 13, 2023 (MDL ECF# 9339) scheduling a settlement conference for December 19 at 10 am to resolve remaining claims relating to a "Common Benefit Fund" ("CBF") sought by the lawyers for the *Havlish* plaintiffs. Unfortunately, I will be out of the country (Mexico) starting tomorrow and through December 20. I am a sole practitioner.

I have reached out to attorney James Bernard of the Hogan Lovells law firm (via email and voicemail), who represents counsel for the *Havlish* plaintiffs, but he has yet to respond to my request for settlement discussions before my departure tomorrow. I have yet to receive a settlement demand or proposal.

I have not been privy to prior discussions between the attorneys for the *Havlish* plaintiffs and the members of the Plaintiffs' Executive Committee (PEC), who have apparently resolved their issues relating to the CBF (settlements?). The PEC has provided my office with no information about what has transpired since September 13 regarding this dispute.

To the extent I have any knowledge of what has transpired as to this dispute, I will file a Settlement Conference Summary Report and a pre-conference submission in accordance with Your Honor's rules later this afternoon.

In light of my firm's belated invitation to settlement discussions, I request either an adjournment of the December 19 settlement conference, or that I be allowed to participate via a Zoom conference call. Would either be permissible?

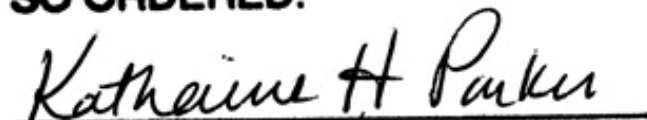
Sincerely yours,

*John F. Schutty*

cc: James Bernard, Esq. (via email: james.bernard@hoganlovells.com)

Per this Court's prior order, a settlement demand must be made prior to a settlement conference and a counter must be made settlement conference. Counsel shall have such exchange before 12/14/2023 and shall email this court on 12/15/2023 as to their respective positions and whether they are both agreeable to telephonic participation in the settlement conference by Mr. Schutty.

**SO ORDERED:**

A handwritten signature in black ink, reading "Katharine H. Parker", written over a horizontal line.

**HON. KATHARINE H. PARKER  
UNITED STATES MAGISTRATE JUDGE**

12/13/2023